

REMARKS

Enclosed herewith is a Substitute Power of Attorney form, giving the undersigned attorney the power to prosecute this patent application.

All pre-existing claims have been cancelled and new claims 22-43 are submitted herewith. Those claims essentially fall into two categories.

In the first category is claims 22-31 which includes independent claim 22 which is a combination of pre-existing claims 1, 2, and 3. Independent claims 25, 26 and 29 have similarly been amended.

It is noted that in the Office Action of November 13, 2003, claim 2 was not rejected under 35 USC §102 in the rejection based on Roesler and that claim 3 was not rejected under 35 USC §102 in the rejection based on Wicks. Accordingly, the combination of claims 1, 2 and 3, as represented by new independent claim 22, and the similarly amended independent claims in the group of claims 22-31, cannot be said to be anticipated by either Roesler or Wicks.

That is because MPEP §2131 provides that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." With regard to claims 22-31, the 1.5 ratio of previous claim 2 is not found in Roesler and the blend of polyaspartic esters as found in previous claim 3 is not found in Wicks. Since new claims 22-31 recite both features, neither reference is anticipatory. Accordingly, it is requested that the rejections under 35 USC §102 be withdrawn.

As to new claims 32-43, those claims recite that the polyisocyanate is present in an amount relative to the polyaspartic ester "such that the coating composition provides a hybrid curing system that combines the fast cure of a polyaspartic ester polyurea reaction with the enhanced adhesion and superior film properties of a slower moisture cure polyurea" (see claims 32 and 37) (see the first paragraph of the Detailed Description for support) and that the coating composition cures dry to handle after air drying at 72°F and 40% relative humidity in less than 120 minutes and has at least a marginal intercoat adhesion on recoating after a 48 hour cure (see

claims 32-43) (see Table 3 for support).

Neither Roesler or Wicks discloses such a hybrid curing system. Rather, Wicks is concerned with polyurea coating compositions having an improved pot life and Roesler is concerned with polyaspartic ester mixtures which avoids the presence of dimethylfumurate crystals protruding from the film. Accordingly, it is submitted that neither Roesler nor Wicks anticipate or render obvious alone or in combination claims 32-43.

For the foregoing reasons, it is believed that claims 22-43 are patentable over the art of record. Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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